

### **REMARKS**

These remarks are in response to the Office Action dated November 3, 2005 ("Office Action") are filed with a Request for Three Month Extension of Time, for which authorization is given to charge the extension fees to Deposit Account No. 50-0951. Authorization is also given to charge any necessary fees and credit any overpayments to Deposit Account No. 50-0951.

At the time of the Office Action, claims 3, 18, 20-26, 30-33, 35-37 were pending, claims 27-29 and 34 were withdrawn from consideration and claims 1-2, 4-17 and 19 were cancelled. Claims 18, 20, 21, 23, 24 and 36 were rejected under 35 U.S.C. §112, second paragraph. Claims 26, 30 and 35-37 were rejected under 35 U.S.C. §102(b). Claim 18 was rejected under 35 U.S.C. §103(a). Nevertheless, the Office Action noted that claims 3, 20-25 and 31-33 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. The rejections and the responses thereto are set out more fully below.

#### **I. Claim Rejections Under 35 U.S.C. §112**

Claims 18, 20, 21, 23, 24 and 36 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant understands the rejection of claim 23 was directed to the language in claims 32 and 33. Appropriate corrections are made herein, and withdrawal of these rejections is respectfully requested.

#### **II. Rejections Under 35 U.S.C. §102 and 35 U.S.C. §103 and Response Thereto**

Before addressing the rejections, a brief review of the independent claim, as amended herein, is appropriate. Independent claim 36 is directed to a lift device for lifting and lowering a support device (2, 3B, 5) of a transport track segment of a transport device for work pieces. The device includes a work piece carrier (58), where the work pieces are deposited on the work piece carrier, a force producing device (35, 72, 73), where the force producing device produces a force for lifting or lowering the support device (2, 3B, 5) and a force transmission device, where the force transmission device transmits the force from the force producing device to the support device. The force transmission device includes at least one lever (25a, 25b) having a first and second end. The first end (29a, 29b) of the lever is coupled to the force producing

device (35, 72, 73) and is guided for horizontal displacement. The second end (30a, 30b) of the same lever is coupled to the support device (2, 3B, 5) and is guided for vertical displacement. Support for the amendments to claim 36 can be found throughout the specification and with reference to figures 3-6.

The arrangement recited in claim 36, of a lever with a first end coupled to a force producing device and guided for horizontal displacement and a second end coupled to a support device and guided for vertical displacement, provides a very efficient solution with minimal movement and where only a small actuation force is required. Moreover, where the arrangement provides for displacement, the displacement is controlled and guided. This efficient solution of minimal and guided movement with only a small actuation force is in contrast to the art of piston rods requiring high actuation forces that was discussed in the background section and the cited references.

Turning to the rejections on art, claims 26, 30 and 35-37 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,883,032 to Leaman ("Leaman"). Also, claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Leaman in view of U.S. Patent No. 4,750,604 to Cook ("Cook").

In support of the §102(b) rejections, the Office Action asserted the following:

[w]ith respect to claim 36, Leaman discloses a lift device for lifting and lowering a support device 6 of a transport track segment of a transport device 16 comprising a work piece carrier 50, force producing device 24 to lift a support device 6, a force transmission device 16a, 17a which transmits force to a support device 6 wherein a force transmission device includes a lever 16a, 17a having a first end 30 horizontally coupled to a force producing device 24 and that is horizontally displaceably guided, and further having a second end coupled to a support device 6 and guided for vertical displacement. It is noted that 18, 19, F as well as 28, 27, 30, 35 provide guiding displacement.

*See* Office Action, pages 3-4.

In support of the §103(a) rejections, the Office Action asserted the following:

Cook discloses a connecting device 14 provided on a slide bar other side wherein a connecting device 14 is connected with a spring tensioning device 17 upon which a pressure spring 15 and spring abutment rigidly connected with a guide bar. Cook teaches that when lowering a lifting device, lever 6, 7 are release, wherein the stored energy of springs 15 returns rotates levers 6, 7 in a

downward motion. Col. 2, Ins. 5-25. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lift device of Leaman to include a spring, as per the teachings of Cook, such that a lifting device will return to its original position during lowering.

*See* Office Action, pages 4-5.

In contrast to the assertions of the Office Action, Leaman and Cook, either individually or in combination, do not teach or suggest all of the elements claimed in claim 36. Leaman, which has been cited as the reference under the §102(b) rejection, includes two levers, namely lever 16 and lever arm 16<sup>a</sup> or lever 17 and lever arm 17<sup>a</sup> to move the table frame 6. *See* Leaman, col. 2, lines 44-57 (“[m]ounted fast on the rock shaft 4 is a pair of lever arms 16...Fast on corresponding ends of the shafts 4, 4<sup>a</sup> is mounted another lever arm 16<sup>a</sup>, 17<sup>a</sup>, each of which extends substantially at right angles to the respective levers 16, 17...)(emphasis added). Such a linkage of two levers joined only by a rock shaft 4, does not teach or suggest the elements recited in claim 36, namely, a lever coupled at its first end to a force producing device and coupled at its second end to the support device.

Still further, Leaman not only does not teach or suggest that the end of the lever arm that directly supports the frame 6 is coupled to the frame 6, Leaman explicitly teaches away from such a coupling. In Leaman, the roller 18 is at one end of lever 16 and 17 and its ability to roll freely is apparent when the differences between Figures 1 and 3 are viewed. In fact, Leaman even refers to the end of lever 16 and 17 with roller 18 as its “free end.” *See* Leaman, col. 2, line 47. Applicant respectfully submits that the device disclosed in Leaman would not work as designed if the end of lever 16 and 17 were coupled to frame 6, and thus, Leaman cannot support either a §102(b) rejection or a §103(a) rejection. *See* M.P.E.P. §2143.01 (“If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” *In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984)).

Similarly, Cook fails to teach or suggest all of the elements of independent 36 for the same reasons that Leaman failed. Namely, Cook does not teach or suggest a lever having a first end coupled to a force producing device and guided for horizontal displacement and having a second end coupled to a support device and guided for vertical displacement. Instead,

the levers 6, 6' etc., and 7, 7' etc. of Cook “are pivoted at one end between opposite side walls of the respective channel and the platform 4.” *See* Cook, col. 1, line 65 – col. 2, line 2. In short, the pivoted end does not displace in any direction. With such an arrangement, the levers of Cook do not have an end that is guided to horizontally displace while the other end is guided to vertically displace.

Thus, for at least the reasons set forth above, all independent claims are believed to be allowable. Further, the dependent claims are believed to be allowable for their dependence upon an allowable base claim and for further features recited therein. Accordingly, a notice of allowance is respectfully requested.

### **III. Conclusion**

This submission is believed to be fully responsive to the Examiner’s request. The application is believed to be in condition for immediate allowance. If any issues remain outstanding, Applicant invites the Examiner to call the undersigned if it is believed that a telephone interview would expedite the prosecution of the application to an allowance.

Respectfully submitted,

**AKERMAN SENTERFITT**



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